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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MIGUEL PINEIRO, JR.,
Defendant.

Case No. 3:21-cr-00037-JMK-MMS-1

MOTION FOR STATUS HEARING

Defendant Miguel Pineiro, through counsel, Ben W. Muse, Assistant Federal Defender, moves this Court for a status hearing in this case to hear argument on the Motion to Strike [Dkt. 239] and to address other issues related to the factual record for the pending Motion to Suppress [Dkt. 144].

With its *closing argument* on the pending Motion to Suppress, the government has submitted additional police reports despite the fact evidence was closed. As closings were to be simultaneous, it did so to reap an unfair advantage (as it could have moved to reopen evidence at any juncture). It wanted to prevent Mr. Pineiro from getting the opportunity to address this evidence in his closing argument (or at the evidentiary hearing for that matter)

and to prejudice the factfinder. The government provided the defense with no indication it would do this.

In fact, the undersigned called opposing counsel on October 13 (the deadline for closing argument) to notify him—as a courtesy, in case he wanted to leave early to enjoy the long weekend—that Mr. Pineiro would be filing his closing argument late in the day on October 13. The undersigned gave government counsel his word—which he adhered to—that he would not read the government’s closing argument were it filed before Mr. Pineiro’s. The undersigned did this out of collegiality and *fairness* as the Court ordered simultaneous briefing. During this phone conversation, the government gave the defense no indication that it would be seeking to expand the factual record.

A status hearing is appropriate to address the pending Motion to Strike and to address other issues correlated with this motion.

DATED at Anchorage, Alaska this 27th day of October, 2023.

Respectfully submitted,
FEDERAL PUBLIC DEFENDER
DISTRICT OF ALASKA

/s/ Ben W. Muse
Ben W. Muse
Assistant Federal Defender

Certificate of Service:

I hereby certify that I electronically filed the foregoing and any attachments with the Clerk of Court for the United States District Court for the District of Alaska by using the district’s CM/ECF system on October 27, 2023. All participants in this case are registered CM/ECF users and will be served by the district’s CM/ECF system.

/s/ Ben W. Muse